



WASHINGTON STATE Board of Health

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DATE: October 10, 2012

TO: Washington State Board of Health Members

FROM: Keith Grellner, SBOH Environmental Health Committee Chair

SUBJECT: PUBLIC HEARING – PROPOSAL TO REVISE CHAPTER 246-215 WAC,
FOOD SERVICE

Background and Summary:

The State Board of Health has responsibility under RCW 43.20.050(2)(d) to adopt rules to protect public health regarding food service establishments. The Board's rules are chapter 246-215 WAC, Food Service. RCW 43.20.145 directs the Board to consider the most current version of the U.S. Food and Drug Administration's (FDA) Food Code when developing food service rules. The last major revision to these rules was adopted by the Board in September 2004 and references the 2001 FDA Food Code. The latest FDA Food Code is the 2009 version.

The Department of Health assembled an advisory committee of stakeholders, called the Core Workgroup, to help develop proposed revisions to chapter 246-215 WAC based on the 2009 FDA Food Code. The Core Workgroup met 11 times in 2010 and 2011. The Department incorporated most, but not all, of the Core Workgroup's recommendations into this proposal. At its March 2012 meeting, the Board heard the differences between the proposal and recommendations of the Core Workgroup, as well as differences from the 2009 FDA Food Code. Also at the March meeting, the Board heard concern from stakeholders about including a long-standing FDA Food Code provision called date marking, a provision left out of the Board's 2004 revision. After additional review of the literature and evaluation of the costs and benefits, the Board's Environmental Health Committee supported removing this provision from the proposal.

David Gifford, manager of the Department's Food Safety Program, is here today to summarize this rule revision proposal. Please see materials behind Tab 06 of your packets for Mr. Gifford's presentation, a summary of proposed rule changes, the proposed rule language (with the CR-102), the preliminary significant analysis, and the small business economic impact analysis. Mr. Gifford's presentation includes a summary of two comments received during the formal period, for one of which the Department recommends a rule text change to reference a state building code provision for soda dispensers.

Recommended Board Action:

Depending on testimony offered and the Board's discussions, the Board may choose to consider, amend if necessary, and adopt the following motion:

The Board adopts the revisions to chapter 246-215 WAC as published in WSR 12-17-160, with a correction made by adding a reference to WAC 51-56-0600. The Board directs staff to file a CR-103 to make the revisions effective on May 1, 2013.

Staff Contact:

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